

REMARKS

Applicant thanks the Examiner for the courtesies extended to the undersigned during the interview. An interview summary accompanies this After Final response.

Claims 1, 9, and 17 stand rejected under 35 USC 102(b) for anticipation based upon a public sale or sale of the invention. Claims 1-4, 7-10, 13-19, 21-24, and 28-31 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 6,798,997 to Hayward et al. Claims 5-6, 11-12, and 20 stand rejected under 35 USC 103(a) for obviousness over Hayward in view of U.S. Patent No. 6,295,423 to Haines et al. Claims 25-27 stand rejected under 35 USC 103(a) for obviousness over Hayward in view of U.S. Patent No. 6,310,692 to Fan et al.

Applicants respectfully traverse the rejections and urge allowance of the present application.

As discussed during the interview, Applicant respectfully submits that the rejection of claims 5-6, 11-12, and 20 over Haines is in error under 35 USC 103(c). More specifically, the Haines reference and the above-referenced application, are commonly owned. MPEP §706.02(I)(3) (8th ed., rev. 3) states that such commonly owned reference is disqualified when:

- (a) proper evidence is filed referring to the statement of common ownership;
- (b) the reference qualifies under 35 U.S.C. §102(e) for applications filed on or after November 29, 1999; and
- (c) the reference is used in an obviousness rejection under 35 U.S.C. §103(a).

A separate statement establishing common ownership is filed herewith. Haines qualifies as a §102(e) reference and is used in an obviousness rejection against claims 5-6, 11-12, and 20. Moreover, the above-referenced application was filed after November 29, 1999. Accordingly, the requirements of MPEP §706.02(I)(3) (8th ed., rev.3), and therefore §103(c), are met. Consequently, the obviousness rejection against the claims over Haines is inappropriate and should be withdrawn. Applicant respectfully requests withdrawal of such rejection. If the claims rejected over Haines are not allowed, Applicant respectfully requests the issuance of a new Office Action for consideration by Applicant with respect to an RCE filing as discussed with the Examiner during the interview.

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Serial No. 09/942,225
Amendment B*

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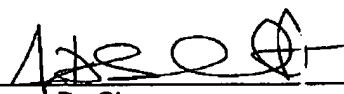
Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

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By:


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